

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-106277-001 DT

08/19/2009

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT

C. Strup

Deputy

STATE OF ARIZONA

KRISTIN SHERMAN

v.

ANDRES TOBAN VALINTE (001)

DOB: 04/12/1980

JOHN S JOHNSON

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

AZ DOC - COMMUNITY SERVICE

CITS - CCC SPANISH

DISPOSITION CLERK-CSC

RFR

VICTIM SERVICES DIV-CA-CCC

SENTENCE - IMPRISONMENT AND PROBATION

9:37 a.m. This is the time set for Sentencing/Mitigation Hearing.

State's Attorney:	Kristin Sherman
Defendant's Attorney:	John S. Johnson
Defendant:	Present
Interpreter:	Elaine Guijarro
Court Reporter:	Melody O'Donnell

Count(s) 1, 4 (as Amended), and 17: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 1: Kidnapping

Class 2 Dangerous Felony

A.R.S. § 13-1301, 1304, 301, 302, 303, 304, 604, 610, 701, 702, 702.01, 801

Date of Offense: On or Between 01/17/2009 and 01/22/2009

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 4 (as Amended): Kidnapping

Class 2 Felony

A.R.S. § 13-1301, 1304, 301, 302, 303, 304, 610, 701, 702, 702.01, 801

Date of Offense: On or Between 01/17/2009 and 01/22/2009

Non Dangerous - Non Repetitive

OFFENSE: Count 17: Smuggling

Class 4 Felony

A.R.S. § 13-2319, 301, 302, 303, 304, 610, 701, 702, 702.01, 801

Date of Offense: On or Between 01/17/2009 and 01/22/2009

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 8.5 year(s) from 08/19/2009

Presentence Incarceration Credit: 209 day(s)

Mitigated

Sentence is concurrent with Count 17.

Count 17: 2.5 year(s) from 08/19/2009

Presentence Incarceration Credit: 209 day(s)

Presumptive

Sentence is concurrent with Count 1.

Community Supervision: Count 1 and 17 - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 4 (as Amended).

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 4 (as Amended) Probation Term: 3 Years

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Upon physical release from prison in Count 1 and Count 17.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: Count 4 (as Amended) - \$65.00 per month.

ASSESSMENTS:

Count 4 (as Amended): PROBATION SURCHARGE: \$20.00.

The Court retains jurisdiction for any future Restitution Hearings for an additional 6 months and the Defendant waives his presence at same.

The Arizona Department of Corrections/Community Service shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail [cforeponse@mail.maricopa.gov](mailto:cforeponse@mail.maricopa.gov). The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 18 - Not have any contact with the victim(s) whatsoever, unless approved in writing by the Adult Probation Department.

Condition 20 - Not remain in or return to the United States illegally if deported or processed through voluntary departure.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16.

Count(s) 1 and 17: IT IS FURTHER ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS FURTHER ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all

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presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 4 (as Amended): IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED exonerating any bond previously posted in this matter to the party posting same.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

IT IS FURTHER ORDERED the Defendant shall forfeit any interest in any weapons seized.

The Court is informed that the convicted person is an alien or suspected alien and that a staff member with the Adult Probation Department has conducted the requisite electronic inquiry as to the person's citizenship status and has informed the Court of those findings.

10:08 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE MARGARET R. MAHONEY  
JUDGE OF THE SUPERIOR COURT

(thumbprint)